

Jonathan Schwalb, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, New York 10004
Attorney for BSI Financial Services as servicer for
U.S. Bank Trust National Association, as Trustee of the
Bungalow Series III Trust
P: (212) 471-5100
Bankruptcy@FriedmanVartolo.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

-----X

IN RE:	:	CASE NO.: 17-27463
	:	
Candita Gonzales	:	CHAPTER: 13
Aka Candita Gonzalez	:	
	:	HON. JUDGE.:
Debtor	:	JOHN K. SHERWOOD
	:	HEARING DATE:
-----X	:	AUGUST 9, 2018 AT 9:00 AM
	:	
	:	
	:	

NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN

PLEASE TAKE NOTICE that BSI Financial Services as servicer for U.S. Bank Trust National Association, as Trustee of the Bungalow Series III Trust ("Secured Creditor"), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys, hereby objects to the confirmation of the Modified Chapter 13 Plan on grounds including:

1. Debtor(s) plan fails to provide for the claim of Secured Creditor. The objecting creditor is due arrears of approximately \$37,813.96 which was set forth in the filed Proof of Claim.
2. Debtor(s) plan as proposed appears to contemplate that there will be no cure for the pre-petition arrears of Secured Creditor unless or until a loan modification is achieved. Furthermore, the modified plan suggests a completion date of February 2019 for a potential loan mod. Secured Creditor objects to this treatment of the claim. The requirements of 11 U.S.C. § 1322(d)(2) do not provide for payment over a period longer than 5 years. Moreover, the debtor(s) are obligated to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322 (b)(5). Accordingly, in the

event that the ongoing loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C. § 1325(a)(1).

3. Debtor(s) seeks to modify the rights of Secured Creditor, which is the holder of a claim secured only by a security interest in real property that is the principal residence of the debtor(s).
4. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
5. Debtor(s) proposed plan does not provide that Secured Creditor retain its lien.
6. Debtor(s) proposed plan is not feasible.
7. Debtor(s) proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

FRIEDMAN VARTOLO LLP
85 Broad Street Suite 501
New York, New York 10004
Attorney for BSI Financial Services
as servicer for
U.S. Bank Trust National
Association, as Trustee of the
Bungalow Series III Trust

By: /s/ Jonathan Schwalb
Jonathan Schwalb, Esq.

Date: August 1, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Jonathan Schwalb, Esq.
Friedman Vartolo LLP
85 Broad Street, Suite 501
New York, New York 10004
P: (212) 471-5100
Attorneys for BSI Financial Services as servicer
for U.S. Bank Trust, National Association, as
Trustee of the Bungalow Series III Trust

In Re:

Candita Gonzales
aka Candita Gonzalez

Case No.: 17-27463
Chapter: 13
Adv. No.: _____
Hearing Date: August 9, 2018 at 9:00 AM
Hon. Judge: JKS

CERTIFICATION OF SERVICE

1. I, Theodore Weber :

☐ represent _____ in the this matter.

☒ am the secretary/paralegal for Jonathan Schwalb, Esq., who represents
BSI Financial Services in the this matter.

☐ am the _____ in the this case and am representing myself.

2. On August 1, 2018, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

- Notice of Objection to Confirmation of Modified Plan

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: August 1, 2018

/s/ Theodore Weber
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Candita Gonzales aka Candita Gonzalez 78-82 Rockland Street Paterson, NJ 07501	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Russell L. Low Low & Low 505 Main St. Suite 304 Hackensack, NJ 07601	Debtor(s) Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)